



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

OCT 10 2006

Ms. Mimi Drew, Director  
Water Resource Management  
Florida Department of Environmental Protection  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

RECEIVED  
OCT 12 2006  
DIRECTOR - WATER  
RESOURCE MANAGEMENT

Dear Ms. Drew:

The U.S. Environmental Protection Agency (EPA) has completed its review of the Site Specific Alternative Criteria (SSAC) for Dissolved Oxygen (DO) in the Lower St. Johns River, Florida Administrative Code 62-302.800(5). This site specific revision to Florida's existing DO criterion was adopted by the Florida Environmental Regulation Commission on May 25, 2006, and submitted to EPA by letter dated June 30, 2005, from Gregory M. Munson, General Counsel of the Florida Department of Environmental Protection, to James I. Palmer, Jr., Regional Administrator. Mr. Munson also certified that the revisions were duly adopted as water quality standards pursuant to state law. The SSAC will become effective for Clean Water Act (CWA) purposes upon approval by EPA.

The revision establishes a SSAC for dissolved oxygen for the Class III marine portion of the lower St. Johns River and its tributaries between Julington Creek and the mouth of the river. Specifically, the SSAC retains the existing minimum concentration of 4 mg/L of dissolved oxygen and replaces the existing 5 mg/L daily average concentration with an annual total fractional exposure (TFE) index of 1.0 that is not to be exceeded. This TFE is established at a level that protects both larval recruitment and growth for aquatic organisms. EPA's *Ambient Aquatic Life Water Quality Criteria for Dissolved Oxygen (Saltwater): Cape Cod to Cape Hatteras* (EPA-822-R-00-012) served as the initial basis for the formulation of this SSAC.

In January 2001, EPA, the U.S. Fish and Wildlife Service, and the National Marine Fisheries Service signed a memorandum of agreement (MOA) which governs the exercise of EPA's authorities under Sections 303(c), 304(a), and 402 of the Clean Water Act in relation to EPA's obligations under Section 7 of the Endangered Species Act. This MOA addresses EPA's review and approval of State-adopted water quality criteria for the circumstances of the revisions to Florida's water quality criteria for aquatic life.

EPA's decision to approve the SSAC for DO in the Lower St. Johns River is subject to the results of the national consultation under Section 7 of the Endangered Species Act with the U.S. Fish and Wildlife Service. By approving the SSAC, "subject to the results of the national consultation," EPA retains its discretion to take appropriate

action if the consultation identifies deficiencies in the standards requiring remedial action by EPA. EPA will notify the State if remedial action is required.

In summary, this SSAC is consistent with the requirements of the Clean Water Act and 40 CFR Part 131, and I am approving this revision to Florida water quality standards. If you have questions, please contact me at 404-562-9345 or have a member of your staff contact Joel Hansel at 404-562-9274.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Stewart", is written over a faint, larger signature that appears to read "James D. Giattina".

James D. Giattina, Director  
Water Management Division